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November 21, 2024

**VIA ECF**

The Honorable Leo M. Gordon  
United States District Court  
District of New Jersey  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *State of New Jersey v. U.S. Dep't of Transp. et al.*, No. 2:23-cv-03885**

Dear Judge Gordon,

We write on behalf of Intervenor-Defendants the Metropolitan Transportation Authority (“MTA”) and the Triborough Bridge and Tunnel Authority (“TBTA”) with respect to the letter filed by Plaintiff’s counsel (ECF No. 169) taking issue with the TBTA Board’s approval of a phase-in approach to the Central Business District Tolling Program (“CBDTP”).

The single point of agreement with Plaintiff’s letter is that the parties’ summary judgment motions related to the Final Environmental Assessment and Finding of No Significant Impact are outstanding. Beyond that, as explained below, Plaintiff’s letter is inaccurate and immaterial to the outstanding motions in numerous respects.

Specifically, while MTA/TBTA do not think it is appropriate to engage in extensive letters on all of the issues raised in Plaintiff’s letter, it should be noted that Plaintiff seeks to raise new claims that go beyond the record in this case, including, for example, the TBTA Board’s adoption of the toll structure in March 2024 and the June 2024 Reevaluation for that toll structure accepted by the Federal Highway Administration.

Contrary to Plaintiff’s assertions, advance notice was provided to this Court that the TBTA Board would be considering and voting on the proposed phase-in of the CBDTP. After Governor Hochul held a public press conference announcing and outlining the proposal on Thursday, November 14<sup>th</sup>, both the Governor’s office and the MTA issued press releases that same day which provided the expected date of the TBTA Board meeting at which the proposal would be voted on.<sup>1</sup>

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<sup>1</sup> See Governor Kathy Hochul Press Release, *Putting Commuters First, Keeping Costs Down: Governor Hochul Unveils Plan for Future of Transit and Traffic in New York City, Including a 40 Percent Reduction in Congestion Pricing Tolls* (Nov. 14, 2024), <https://www.governor.ny.gov/news/putting-commuters-first-keeping-costs-down-governor-hochul-unveils-plans-future-transit-and>; MTA Press Release, *MTA Joint Committee Meeting and Board*

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Further, MTA posted advance notice to the public of the TBTA Board meeting, along with a copy of the proposal to be voted on, to the MTA website.<sup>2</sup>

cc: All counsel of record (via ECF)

Respectfully submitted,

/s/ Dan Chorost

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cc: Magistrate-Judge Leda Dunn Wettre

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*Meeting to Be Held Monday, November 18* (updated Nov. 14, 2024 2:15 PM ET), <https://new.mta.info/press-release/mta-joint-committee-meeting-and-board-meeting-be-held-monday-november-18>.

<sup>2</sup> See November 2024 Board Meeting Notice and Board Book, <https://new.mta.info/transparency/board-and-committee-meetings/november-2024>.